

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application of:                     )  
Daniel Ting et al.                             )  
   )  
Serial No.: 10/776,057                         )  
   )  
Filed: February 11, 2004                       )  
   )  
For: SYSTEM AND METHOD FOR                 )  
COMPARING DATA SETS                        )  
   )  
   )

Examiner: Morrison, Jay A

Art Unit: 2168

Cesari and McKenna, LLP  
88 Black Falcon Avenue  
Boston, MA 02210  
August 13, 2007

"Express Mail" Mailing-Label Number:

Commissioner for Patents  
Art Unit 2168  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**AFFIDAVIT OF ROCIO ARCHILA**

1. My name is Rocio Archila. My position at Cesari and McKenna, LLP is Docket Clerk.
2. I came to work at Cesari and McKenna, LLP as the Docket Clerk on June 17, 2002.

3. I ordinarily perform the duties of docket clerk at Cesari and McKenna, LLP, and my duties include receiving and recording incoming mail from the United States Patent and Trademark Office (USPTO), and scheduling responses to communications received by the USPTO.
4. The procedure for receiving incoming mail from the United States Patent and Trademark Office is as follows:
  - a. All received mail is opened by the receptionist and date stamped showing the date of receipt on the document.
  - b. All of the mail from the USPTO is given to me by the receptionist.
  - c. I enter each received item in our docketing database.
  - d. The entry in the docketing database is identified by a client-matter number and shows a list of actions taken in each matter, the date that a response is due, and the date each action was taken.
  - e. After entry in the database, I write on the received mail the Cesari and McKenna, LLP docket number, and determine which attorney is responsible for the matter.
  - f. After all the mail for a particular day is processed as above, I give it to a partner of the firm to review.

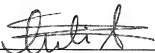
- g. The partner reviews the incoming mail and returns it to me, and after he returns the incoming mail to me I distribute it to the responsible attorneys. Usually I give it to the secretaries responsible for supporting the responsible attorney.
  - h. I have reviewed the docketing records of U.S. Application No. 10/776,057, filed February 11, 2004, for case number 112056-0139U. Exhibit A shows a record from the Cesari and McKenna, LLP docketing database for this case.
  - i. Exhibit A is a true and accurate copy of the Cesari and McKenna, LLP docketing records for Patent Application Serial No. 10/776,057, filed February 11, 2004, to the best of my knowledge and belief.
- 6. The firm Cesari and McKenna, LLP has obtained a file history of the matter from the USPTO through Private PAIR, and in that file history discovered that the Notice of Non-Compliant Amendment has a mailing date of September 14, 2006, in the Transaction History on the Private Pair database.
- 7. In my opinion, no record exists of the receipt of the Notice of Non-Compliant Amendment with a mailing date of September 14, 2006. This opinion is based on the absence of a record showing receipt of the Notice of Non-Compliant Amendment, as set out in Exhibit A.

8. In my opinion, the Notice of Non-Compliant Amendment was never received by the law firm Cesari and McKenna, LLP.
9. Further affient sayeth naught.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

8.14.07  
\_\_\_\_\_  
Date

  
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Rocio Archila  
Docketing Clerk